

Date of Meeting: December 4, 2007

**BOARD OF SUPERVISORS
ACTION ITEM**

#19e

SUBJECT: Public Safety Committee Report/Policy to Allow for the Adoption of Pit Bulls and Pit Bull Mixes

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: At the Pleasure of the Board

RECOMMENDATIONS:

Staff: Staff recommends that the Board of Supervisors approve a policy that will allow for the adoption of Pit Bulls and Pit Bull mixes.

Animal Advisory Committee: On November 14, 2007, the Committee, by a vote of 7-0-2, recommended approval of staff's recommendation that the Department's policy be changed to allow for the adoption of pit bulls and pit bull mixes.

Public Safety Committee: The Public Safety Committee, at its November 26, 2007 meeting, voted 5-0 to forward staff's recommendation regarding changing the Department's Adoption Policy to allow for the adoption of Pit Bulls and Pit Bull mixes to the full Board for discussion, without a recommendation. The Committee also directed that an executive session be held to discuss the legal ramifications of such a decision prior to public discussion by the Board.

BACKGROUND:

On October 30, 2006, the Virginia Attorney General issued an advisory opinion (Attachment #1) stating that publicly funded animal shelters or "pounds" may not euthanize dogs based solely upon breed. In addressing the issue posed to him, the Attorney General relied upon section 3.1-796.93:1(C) of the Code of Virginia, which provides that "*no canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited.*"

Shortly thereafter, the County Attorney's Office was asked to review the Department's existing policies, which did not allow for the adoption or transfer of pit bulls or pit bull mixes. The County Attorney's Office opined (Attachment #2) that the practical

consequence of the policy is that all Pit Bulls received by the Shelter are euthanized because of their breed. The County Attorney's Office also stated that while the Department policy does not require euthanasia, that is the end result and there are no alternatives provided. The County Attorney's Office stated that they believed this policy to be contrary to the Attorney General's position and that a Loudoun County citizen wishing to adopt a Pit Bull or Staffordshire terrier could bring an action to stop the Shelter from continuing to euthanize those animals solely on the basis of their breeds, and that with the passage of time and no legislative action to the contrary, the Attorney General's opinion will carry more weight; it will not be dispositive of the issue, but the courts will look more favorably on it.

In the spring of 2007, the Department revised its procedures to allow for the behavioral assessment of pit bulls and pit bull mixes by trained and/or experienced staff. In May of 2007, the Department formally adopted changes to its breed rescue policy to, *"The Department of Animal Care and Control, in order to facilitate the transfer of animals that, in the Department's opinion, do not pose a safety or health risk, will establish working relationships with breed rescue groups and other humane organizations."* This change to the policy permits the transfer of pit bulls and pit bull mixes under the criteria established therein. Since that time, the Department has facilitated the transfer of five pit bulls/pit bull mixes. Other municipal and publicly funded shelters in the Northern Virginia region who were not adopting pit bulls to the general public have also agreed upon common policy language that would allow for the adoption of Pit Bulls and Pit Bull mixes, and have taken steps to revise their policies.

The Public Safety Committee considered the results of a Pit Bull Adoption Policy survey, the Attorney General's advisory opinion and the issue of amending the Department's adoption policy to allow for the adoption of pit bulls/pit bull mixes at its meetings held on April 23, 2007 and May 21, 2007. At the May 21st meeting, the Department was asked to work with the Animal Advisory Committee to develop a recommendation on this policy and to bring this recommendation back to the Public Safety Committee.

Since then, staff has worked with the Animal Advisory Committee (AAC) to revise the Department's adoption policies and to establish a recommendation for the Board of Supervisors on the issue of placing pit bulls up for adoption to the general public. This matter has been on the agenda of the AAC's June, July, September and November meetings, and was the focus of two special work sessions in June and August. At its November 14th meeting, the AAC voted to approve staff's recommendation that the Department's policy be changed to allow for the adoption of pit bulls and pit bull mixes.

DISCUSSION:

The Department's policy to not allow for the adoption of pit bulls or pit bull mixes has been in place for over 20 years. Since that time, issues and concerns regarding pit bulls have achieved a greater public awareness. The breed has suffered from a significant negative shift in public perception; however, knowledge and expertise about the breed, its

ideal temperament and proper care and management has increased dramatically. In addition, the education opportunities and expert advice available to shelter staff regarding pit bull evaluation, housing and placement is more readily available than ever before.

The Department recognizes that there are pit bulls and pit bull mixes that come through the County's Animal Shelter that are temperamentally sound and retain all of the best characteristics of the breed (these dogs are often referred to as "breed ambassadors"), and that there is a demand for adoption of these animals by breed enthusiasts. Therefore, the Department is recommending that its current adoption policy allow for the responsible adoption of "breed ambassador" pit bulls to homes that meet reasonable adoption criteria designed to ensure the safety of the animal, the adopter, and the community at large.

In developing its revised policy, the Department has sought the advice and counsel of experts in the field. In May of 2007, for example, the Department hosted a training put on by BAD RAP (Bay Area Doglovers Responsible About Pitbulls), one of the most highly respected pit bull education and advocacy groups in the United States. This training, which included education on pit bull identification, housing, assessment and adoption, was the first-ever training conducted by Bad Rap anywhere on the east coast. Moreover, once the Department drafted its proposed pit bull adopter criteria it posted them to the Pit Bull Symposium, a web-based forum designed *"To provide a resource for animal care professionals thus allowing the sharing of best practices, networking and problem solving around the challenges and successes of assessing, housing, training and adopting out deserving pit bulls and pit mixes."* Feedback from that effort was positive, with responders indicating that they believe our proposed restrictions are appropriate and reasonable.

The new assessment procedures prepared by the Department, provides for careful screening of pit bulls or pit bull mixes made available for adoption, such that only those dogs that exhibit the best characteristics of their breed would be made available. True "breed ambassadors" are dogs that, among other criteria, are very social with people, exhibit appropriate levels of arousal during handling and play, and are responsive to a handler even in the presence of other dogs. In addition, the new adoption policy provides adoption criteria for potential adopters designed to ensure that they are aware of the responsibilities inherent in owning such a dog and are prepared to provide the special care and management the dog will require. These adoption criteria include mandatory attendance at a pit bull handling education class and mandatory home checks, among other requirements, as indicated.

The heightened assessment and adoption criteria are not limited to just pit bulls and pit bull mixes. Rather, the Department has chosen to extend its protections to other breeds of dogs, that have been identified as having a high propensity or potential for use in illegal and/or nefarious activities, such as dog fighting. Dogs consistently identified as meeting this definition include: Pit Bulls (defined as American Pit Bull Terriers, American Staffordshire Terriers and Staffordshire Bull Terriers), Fila Brasileros, Cane Corsos, Dogo Argentinos, Presa Canarios, Tosas, and American Bulldogs as well as any

mixes thereof. These breeds will all be subject to the careful pre-adoption screening and heightened adopter restrictions applicable to pit bulls and pit bull mixes.

Finally, the new adoption policy also contains provisions designed to ensure that the adoption of dogs of any other breed is properly managed through a system that assesses and assigns each dog to an adoption level (Levels 1-5). In accordance with the Dog Adoption Criteria established by the Department, after a behavior evaluation is conducted, each dog will be assigned an adoption level based upon its individual characteristics and behaviors. For example, a dog suitable for virtually any household will be categorized as a "Level 1"; whereas a dog that needs an experienced owner or that has other behavioral needs, may be categorized as a Level 4 or Level 5. Each adoption level has specific adoption criteria designed to help ensure the individual dog's care and management needs will be met by their new adoptive home.

ISSUES:

1. Pit bull proponents nationwide note the loving nature of the pit bull, and argue that in the hands of responsible owners they make the perfect family pet.
2. Pit bull opponents, however, argue that pit bulls are responsible for more fatalities than any other breed, and believe that pit bulls play a role in nefarious conduct committed by irresponsible owners throughout the community.
3. In a March of 2007 on-line poll conducted by the Department of Animal Care & Control, 66.7% of Loudoun County respondents voted in favor of changing the Department's current no-adopt policy and 33.3% voted against.
4. A significant number of respondents on both sides of the Department's survey indicated that they would be in favor of pit bull adoptions only with careful screening of both dogs and adopters.
5. By altering its policy to allow for the adoption of pit bulls, the Department can impose appropriate criteria on both dogs and adopters so as to further serve the public safety interests of the community.
6. Without the option of adopting from the shelter, pit bull enthusiasts may continue to obtain temperamentally questionable pit bulls from disreputable sources.
7. The Department believes that the Loudoun County community is best served by allowing its trained staff to have a hand in placing only the best examples of the breed (breed ambassadors) with the most responsible owners.

Staff will be available to answer questions.

FISCAL IMPACT:

Staff is not anticipating a significant fiscal impact to the County as a result of this action.

DRAFT MOTIONS:

1. I move that the Board of Supervisors approve the following policy: that the Department of Animal Care & Control may adopt out Pit Bulls and Pit Bull mixes.

-or-

2. I move that Board of Supervisors direct the Department of Animal Care & Control to retain its current prohibiting the adoption of pit bulls and pit bull mixes.

ATTACHMENTS:

Attachment I.	Office of Attorney General's Advisory Opinion
Attachment II.	County Attorney's Office Opinion

STAFF CONTACT:

Thomas J. Koenig, Director, Loudoun County Animal Care and Control